

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HENRY VERN FOX,
Plaintiff,
v.

HENRY RICHARDS, *et al.*,
Defendants.

Case No. C06-5063 RBL/KLS

ORDER GRANTING REQUEST
TO STAY DISCOVERY

This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion to stay this action pending his motion for reconsideration and motion for temporary restraining order. (Dkt. # 26). Defendants have also requested a stay of discovery pending the court's consideration of their motion to dismiss. (Dkt. # 18).

Plaintiff's motion for temporary restraining order, originally noted for January 31, 2007, was stayed pending the District Court's consideration of the Plaintiff's motions for reconsideration of denials by this court and the District Court of his motions for counsel. (Dkt. # 19, 21, 22, 23, 27). Plaintiff's motion for temporary restraining order is now ripe for consideration. The parties have now filed their response and reply to Defendants' motion to dismiss, which was re-noted for February 23, 2007, and that motion is now ripe for the Court's review.

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d

1 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ.
2 P. 26(c). The parties should not be burdened with the expense of discovery until the pending issues of the
3 restraining order and whether Plaintiff has appropriately stated a claim under Section 1983 have been
4 resolved.

5 Accordingly, Plaintiff's motion to stay (Dkt. # 26) and Defendants' motion to stay discovery (Dkt.
6 # 18) are **GRANTED**.

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8 DATED this 14th day of March, 2007.

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12 Karen L. Strombom
13 United States Magistrate Judge
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